

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Dario CARRARA et al. Confirmation No.: 5916

Application No.: 10/798,111 Group Art Unit: 1616

Filing Date: March 10, 2004 Examiner: Konata M. George

For: METHODS AND FORMULATIONS  
FOR TRANSDERMAL OR  
TRANSMUCOSAL APPLICATION OF  
ACTIVE AGENTS Atty. Docket No.: 88066-7900

**TERMINAL DISCLAIMER**

**Mail Stop AF**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application.

Petitioner states that he has reviewed the assignment document that was recorded for the present application on June 4, 2004 at Reel 015436 Frame 0299, and the assignment document that was recorded for US patent 7,198,801 on June 24, 2004 at Reel 015510 Frame 0045 and confirms that Antares Pharma IPL is the sole owner of both the above-identified application and US patent 7,198,801.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the term of US patent 7,198,801, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application and US patent 7,198,801 are commonly owned.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns.

Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of US patent 7,198,801 in the event that that any such patent is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 25<sup>th</sup> day of June, 2008.



Allan A. Fanucci  
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